

REMARKS

In the Office Action, the Examiner rejected claims 1 - 10, 20 - 29, and 31 under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent Number 5,838,682 (“Dekelbaum”). The Examiner also rejected claim 11 under 35 U.S.C. § 103(a) as being unpatentable over Dekelbaum in view of U.S. Patent Number 6,449,260 (“Sassin”). The Examiner stated that claims 12 and 30 are allowed; the Applicant sincerely appreciates Examiner’s indication of allowable subject matter. The Applicant has amended claims 1, 20, and 31, and has cancelled claims 6 and 25.

Claims 1 - 11

In claim 1, the Applicant recites, among other things, a communication system that includes a website accessible by system users over a data network, wherein the web page includes an audio communications interface for establishing an audio connection between a system user and an available service agent. The communication system also includes a processor which processes audio communication between a system user and a service agent. The processor also receives and stores in memory a version of at least one web page from the web site which the system user has viewed. The at least one web page includes a web page which a system user is currently viewing as well as all web pages which a system user has previously viewed in a particular domain. The web pages are transferred to the available service agent interface upon assignment of audio communications to the agent. Additionally, claim 1 has been amended to recite that the audio connection is established through Surf&Call technology that provides desired communication between the system user’s computer and a merchant’s computer, a merchant’s phone, or both. Support for this can be found in the present application on page 1, line 11 through page 2, line 9.

Surf&Call is a web page plug-in type of software that establishes a connection with a service agent. The communication can be established from computer to phone or computer to computer if both computers are equipped with the right software and hardware. Furthermore, Surf&Call (produced by VocalTec) enables a live voice connection from any Web site, through the Internet, to any regular telephone. On a Web browser, Surf&Call appears as a button for the surfer to click. With most browsers, Surf&Call downloads itself and installs automatically when an e-commerce customer arrives at a Surf&Call-enabled Web page. After the plug-in is installed,

an e-commerce customer can use a computer to speak with a customer care representative at a pre-set phone number generally anywhere on the PSTN (Public Switched Telephone Network) or take advantage of a Web site's dial telephony service (i.e., Voice over IP or VoIP). While a customer care representative speaks to an e-commerce customer using VoIP, the representative is able to view in real-time the exact screen that a customer views.

The Examiner points to Fig. 7 and column 12, lines 38 - 46 of Dekelbaum stating that Dekelbaum teaches such Surf&Call software. Here, Dekelbaum merely references that a Netscape Web browser is running "Webdialer" telephone autodialer software. Webdialer software is generally known to connect to the Internet or another computer network without user permission and is often considered to be spyware. *See e.g.*, <http://www3.ca.com/securityadvisor/pest/pest.aspx?id=453074144>. While it is hard to determine what Dekelbaum is teaching with the vague reference to Webdialer software, it appears to be patently different from Vocaltec's Surf&Call software, because, among other reasons, Surf&Call implements a desired communication. As such, the Applicant maintains that claim 6 is novel and nonobvious in view of Dekelbaum. The Applicant respectfully requests reconsideration and allowance of claim 6.

The Applicant believes claim 1, as amended, is novel and nonobvious in view of Dekelbaum. The Applicant, therefore, respectfully requests reconsideration and allowance of claim 1.

Claims 2 – 5 and 7 - 11 depend from independent claim 1 and inherit all of the novel and nonobvious features of the independent claim. These claims are, therefore, novel and nonobvious for at least the same reasons as the independent claim. However, these claims recite additional features that further distinguish from the cited references. For example, the Applicant recites, in claim 9, user interfaces which system users employ to connect with a data network include a system user Web browser plug-in which converts a web page to HTML language. The Examiner states that such is taught in column 12, lines 1 - 8 of Dekelbaum. Here, Dekelbaum teaches that an HTML document may be simply sent to the client. However, Dekelbaum makes no reference to actually converting any type of web page to any type of HTML language. For at least this reason, claim 9 is novel and nonobvious in view of Dekelbaum. The Applicant, therefore, respectfully requests reconsideration and allowance of claim 9.

Since claim 11 recites the conversion of web pages to HTML language of claim 9, claim 11 must also be novel and nonobvious. For example, the Examiner states that Dekelbaum teaches converting a web page to hypertext links at column 14, lines 19 - 34. Here, however, Dekelbaum teaches automatically downloading a client history into a web page without mentioning any type of conversion. Nor does Dekelbaum teach such conversion in column 12, lines 1 - 8 as cited by the Examiner in the rejection of claim 9. Sassin does nothing to supplement Dekelbaum in terms of conversion. In fact, Sassin does not even use any form of the word convert. Since neither Dekelbaum or Sassin teach or reasonably suggest all of the elements of the Applicant's claims, Dekelbaum and Sassin, either alone or in combination, are insufficient as references. The Applicant, therefore, respectfully requests reconsideration and allowance of claim 11.

Claims 20 - 29

In claim 20, the Applicant recites an apparatus for providing communication between a system user with access to a computer-based data network and an available service agent. The apparatus includes, among other things, a processor that provides a connection for the audio communication to a remotely located telephone system and stores a converted version of a web page currently being viewed and all web pages previously viewed in a particular domain by the system user in memory. Additionally, claim 20 has been amended to recite that the audio communication is established through Surf&Call technology that provides desired communication between the system user's computer and a merchant's computer, a merchant's phone, or both. This limitation is similar to that recited in claim 1. The arguments that applied to claim 1, therefore, apply herein as well. For at least these reasons, the Applicant maintains that claim 20 is novel and nonobvious in view of Dekelbaum. The Applicant, therefore, respectfully requests reconsideration and allowance of claim 20.

Claims 21 - 24 and 26 - 29 depend from claim 20 and inherit all of the novel and nonobvious features of the independent claim. However, these claims recite additional features that further distinguish from the cited references. Accordingly, claims 21 - 29 are also novel and nonobvious in view of the cited references. For example, claim 27 recites the conversion of web pages to HTML language as recited in claim 9. The arguments for patentability of claim 9 apply herein as well. The Applicant, therefore, respectfully requests reconsideration and allowance of claim 27. Claim 29 also recites the converted web pages as it depends from claim 27.

Accordingly, claim 29 is also novel and nonobvious. Additionally, the arguments of claim 11 apply. The Applicant respectfully requests reconsideration and allowance of claim 29.

Claim 31

Claim 31 recites, among other things, a computer-based device for a system user to use in communicating via the Internet and a memory adapted to store a version of a web page currently being viewed by the system user and all web pages previously viewed in a particular domain. Additionally, the Applicant has amended claim 31 to recite that the computer-based device includes Surf&Call technology that provides desired communication between the system user's computer and a merchant's computer, a merchant's phone, or both. Such was similarly recited in claim 1. Accordingly, the arguments for patentability of claim 1 apply herein as well. The Applicant, therefore, respectfully requests reconsideration and allowance of claim 31.

CONCLUSION

Based upon the foregoing, the Applicant believes that all pending claims are in condition for allowance and such disposition is respectfully requested. In the event that a telephone conversation would further prosecution and/or expedite allowance, the Examiner is invited to contact the undersigned.

Respectfully submitted,

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